

Appl. No. 10/020,455  
Amtd. dated November 17, 2003  
Reply to Office Action of September 17, 2003

REMARKS/ARGUMENTS

Claims 1- 9, 21 and 22 are presented for Examiner Bogart's consideration. The Examiner has stated that claims 10-20 are allowable.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed September 17, 2003, Examiner Bogart objected to claim 21 because on line 11, a "period" instead of a "semicolon" was present within the claim. Applicants thank the Examiner for pointing out this grammatical error. Applicants have amended claim 21, on line 11, by removing the "period" and replacing it with a "semicolon." No new matter has been introduced by way of this amendment and therefore it should be entered at this time.

By way of the Office Action mailed September 17, 2003, Examiner Bogart rejected claims 1, 9, and 21 under 35 U.S.C. § 102 as allegedly being anticipated and thus unpatentable over UK Patent Number GB 2 238 286 A to Levine. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims. The Examiner makes the argument that the impregnated wipe in Levine et al. is the same as the anti-incontinent agent recited in Applicants' claim 1. This argument is incorrect. Applicants' independent claims 1 and 21 both require that the anti-incontinent agent be capable of reducing urinary loss. An impregnated wipe can not reduce urinary loss. In support of this position, Applicants state in their specification, on page 5, lines 4-7, that:

"The anti-incontinence agents 12 can include medicinal drugs and devices. While devices or surgery are the preferred means for treating stress incontinence, there are many drugs currently developed to treat urge incontinence which mainly focus on the parasympathetic activity of bladder contractions."

Applicants also state on page 5, lines 23-24, that:

"Devices focus on providing support to the bladder through the vaginal wall or preventing leakage of urine through the urethra."

An impregnated wipe can not perform either of the above identified functions to reduce urinary loss. One skilled in the art would not interpret an impregnated wipe to be equivalent to an anti-incontinent agent capable of reducing urinary loss. Independent claims 1 and 21 recite subject matter that is not taught in Levine et al. Claim 9 is dependent upon claim 1 and therefore incorporates all the elements of independent claim 1. Accordingly, claims 1, 9 and 21 are patentably distinct over the teachings of Levine et al. and should be allowed at this time.

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Examiner Bogart rejected Independent claim 22 under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over US Patent 6,352,528 issued to Weber et al. Weber et al. teaches printed information appearing directly on the absorbent article. Applicants have amended claim 22 by adding the following language on line 6, "said written information being a coupon for a drug." Basis for this language appears in the specification on page 8, lines 9 and 10, and is also shown in Figure 9 of the drawings. Claim 22 now differs over Weber et al. in that the written information is a coupon for a drug that is a separate item that is not a part of the absorbent article. Furthermore, the written information as recited in claim 22 relates to an anti-incontinent agent. This is different from the printed information in Weber et al. wherein individual words are directly printed on the product. The individual words do not relate to a drug or an anti-incontinent agent that can be used with the product. In view of the amendment to claim 22, Applicants believe that their claim 22 is now patentably distinct over Weber et al. and should be allowed at this time. Accordingly, claim 22 is now in condition for allowance.

Examiner Bogart rejected dependent claim 7 under 35 U.S.C. § 103 (a) as being unpatentable over Levine (GB 2,238,286). The Examiner has correctly noted that Levine et al. does not teach or disclose a liquid pervious topsheet. However, the Examiner states that topsheets are well known in the art. Applicants agree with the Examiner. However, claim 7 is dependent upon claim 1, which has been distinguished over Levine et al. for the reasons recited above. In essence, Levine et al. does not teach or describe an anti-incontinent agent that is capable of reducing urinary loss. In view of this functional difference, Applicants believe that claim 7 is patentably distinct over Levine et al. and should be allowed at this time.

The Examiner has noted in his First Office Action that claims 10-20 are allowable. The Examiner has also stated that claims 2, 6 and 8 are objected to as being dependent on a rejected base claim but would be allowable if written in independent form. Applicants believe that independent claim 1 is patentably distinct over the cited art and therefore dependent claims 2, 6 and 8 are in condition to be allowed since they depend from a patentably distinct independent claim. Accordingly, Applicants believe that claims 2, 6 and 8 should be allowed at this time.

For the reasons stated above, it is respectfully submitted that claims 1-9, and amended claims 21 and 22 are in form for allowance.

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The undersigned may be reached at: (920) 721-2455.

Respectfully submitted,  
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#### CERTIFICATE OF FACSIMILE

I, Lanette Burton, hereby certify that on November 17, 2003, this document is being transmitted via facsimile to the United States Patent and Trademark Office, addressed to: Commissioner for Patents, Alexandria, VA, to RightFax No. (703) 872-9302.

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